

Federal Communications Commission

DA 01-61

Before the 20
Federal Communications Commission
Washington, D.C. 20554

2001 JAN 16 A 11:34

In the Matter of

**Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Pentwater, Michigan)**

(Hawthorne, Nevada)

(Ludington, Michigan)

(Groveton, New Hampshire)

(Marceline, Missouri)

MM Docket No. 00-141
RM-9930

MM Docket No. 00-142
RM-9923

MM Docket No. 00-143
RM-9931

MM Docket No. 00-144
RM-9925

MM Docket No. 00-153
RM-9936

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 3, 2001

Released: January 12, 2001

By the Chief, Allocations Branch:

1. The Commission has before it five Notices of Proposed Rule Making ("NPRMs"), specified below, setting forth separate proposals to allot channels to specific communities. Although these NPRMs were issued separately and the proposals are not mutually exclusive with each other, we are consolidating them in this Report and Order as part of our effort to expedite and make more efficient the FM allotment rule making process because these proceedings are uncontested. While consolidated, these dockets are still separate for finality purposes. In the event a reconsideration petition is directed to an action in a particular docket, a separate Memorandum Opinion and Order will resolve that reconsideration petition.

2. Each petitioner submitted comments reiterating its intention to apply for the proposed channel, if allotted. Each proposal complies with all Commission technical requirements, and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MM Docket No. 00-141, RM-9930, 15 FCC Rcd 14975 (2000)

Action: At the request of Garry Zack, Channel 280A is allotted to Pentwater, Michigan, as the community's third local FM service.¹

Coordinates: 43-46-30 NL; 86-26-24 WL.

Additional Information: Channel 280A can be allotted to Pentwater in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Pentwater is located within 320 kilometers (199 miles) of the U.S.-Canadian border. Canadian concurrence in the allotment has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 280A to Pentwater at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will be conditioned as follows: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement or if specifically objected to by Industry Canada."

FCC Contact: Leslie K. Shapiro, (202) 418-2180.

B. MM Docket No. 00-142, RM-9923; 15 FCC Rcd 14985 (2000)

Action: At the request of Campbell River Broadcasting, LLC, Channel 254C1 is allotted to Hawthorne, Nevada, as the community's first local FM service.

Coordinates: 38-31-29 NL; 118-37-25 WL

Additional Information: Channel 254C1 can be allotted to Hawthorne in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. On the Commission's own motion, this action also deletes unoccupied and unapplied-for Channel 228A at Hawthorne since no interest in its use was expressed in response to the Notice of Proposed Rule Making in this proceeding.

FCC Contact: Leslie K. Shapiro, (202) 418-2180.

¹ Comments and a counterproposal were filed by David C. Schaberg requesting the allotment of Channel 280A to Barryton, Michigan, as its first local aural service. However, a staff engineering review of the proposal shows that Channel 280A cannot be allotted to Barryton in compliance with the Commission's minimum distance separation requirements. Rather, the allotment would be short-spaced to Channel 279A at Hubbardston, Michigan. See, Report and Order, MM Docket 99-80, 14 FCC Rcd 15957 (1999). Therefore, the counterproposal has not been accepted for consideration herein and will be dismissed.

C. MM Docket No. 00-143, RM-9931; 15 FCC Rcd 14980 (2000)

Action: At the request of Garry Zack, Channel 242A is allotted to Ludington, MI, as the community's second local commercial FM service.

Coordinates: 43-54-15 NL; 86-26-10 WL.

Additional Information: Channel 242A can be allotted to Ludington with a site restriction of 5.5 kilometers (3.4 miles) south to avoid a short-spacing to Station WLXT, Channel 242C1, Petoskey, Michigan. Ludington is located within 320 kilometers (199 miles) of the U.S.-Canadian border. Canadian concurrence in the allotment has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 242A to Ludington at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will be conditioned as follows: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement or if specifically objected to by Industry Canada."

FCC Contact: Leslie K. Shapiro, (202) 418-2180.

D. MM Docket No. 00-144, RM-9925; 15 FCC Rcd 14911 (2000)

Action: At the request of Linda A. Davidson, Channel 268A is allotted to Groveton, New Hampshire, as the community's second local FM service.

Coordinates: 44-37-43 NL; 71-25-55 WL

Additional Information: Channel 268A can be allotted to Groveton with a site restriction of 7.2 kilometers (4.4 miles) northeast to avoid a short-spacing to Stations WYKR-FM, Channel 267A, Haverhill, and WBHG, Channel 268A, Meredith, New Hampshire. Groveton is located within 320 kilometers (199 miles) of the U.S.-Canadian border. Canadian concurrence in the allotment has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 268A to Groveton at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will be conditioned as follows: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement or if specifically objected to by Industry Canada."

FCC Contact: Leslie K. Shapiro, (202) 418-2180.

E. MM Docket No. 00-153, RM-9936, 15 FCC Rcd 15912 (2000)

Action: At the request of Ronald G. Filbeck and Clyde John Holdsworth d/b/a RC Broadcasting Company, Channel 256A is allotted to Marceline, Missouri, as the community's first local aural service.

Coordinates: 39-44-42 NL; 92-52-33 WL.

Additional Information: Channel 256A is allotted to Marceline with a site restriction of 7.2 kilometers (4.5 miles) northeast to avoid a short-spacing to Station KQRC-FM, Channel 255C, Leavenworth, Kansas.

FCC Contact: Leslie K. Shapiro, (202) 418-2180.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective February 26, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Ludington, Michigan	242A, 292A
Pentwater, Michigan	231C3, 274A, 280A
Marceline, Missouri	256A
Hawthorne, Nevada	254C1
Groveton, New Hampshire	229A, 268A

4. The filing window for these allotments will not be opened at this time. Instead, the issue of opening a filing window for these allotments will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

6. For further information concerning a specific docket, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2189. Questions relating to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**